

Ronald L. Richman, SBN 139189  
Susan J. Olson, SBN# 152467  
Bullivant Houser Bailey PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
E-mail: ron.richman@bullivant.com  
E-mail: susan.olson@bullivant.com  
Telephone: 415.352.2700  
Facsimile: 415.352.2701

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

vs.

HIDALGO GENERAL ENGINEERING INC.,  
a California corporation; and JOSE ROBERTO  
HIDALGO, an Individual,

Defendants.

Case No.: C 07 0785 JSW (JL)

**~~REVISED~~ PROPOSED DEFAULT  
JUDGMENT AGAINST HIDALGO  
GENERAL ENGINEERING, INC., A  
CALIFORNIA CORPORATION; AND  
JOSE ROBERTO HIDALGO, AN  
INDIVIDUAL**

**ORDER**

This Court, having received and reviewed the Summons and Complaint for Damages For Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions and For Mandatory Injunction ("Complaint"), all Proofs of Service, no responsive pleading having been filed by Defendants Hidalgo General Engineering, Inc., a California corporation, and Jose

Roberto Hidalgo, an individual, the Clerk of Court having entered the default of Defendants on May 8, 2007 and the Court, having read and considered the moving papers in support of Plaintiffs Trust Funds' Motion for Default Judgment, the declarations and attached exhibits in support of Plaintiffs Trust Funds' Motion for Default Judgment, and there otherwise appearing to be good cause therefore:

IT IS HEREBY ORDERED AND ADJUDGED that Judgment be entered against Hidalgo General Engineering, Inc., a California corporation and Jose Roberto Hidalgo, an individual, and each of them, as follows:

1. Plaintiffs shall have and recover from Hidalgo General Engineering, Inc., a California corporation and Jose Roberto Hidalgo, an individual, and each of them, the amount of \$91,683.11 broken down as follows:

(a) Contributions not reported, but not paid, under 29 U.S.C. §§ 1132(g)(2)(A), (B) and (C) in the following amount:

- § 1132(g)(2)(A) unpaid contributions: \$28,714.69
- § 1132(g)(2)(B) interest: \$24,630.35
- § 1132(g)(2)(C) interest: \$24,630.35

Sub total: \$77,975.39; and

(b) Liquidated Damages on contributions paid, but paid late,  
in the amount of: \$6,150.00

(c) Attorneys' Fees and Costs \$7,557.72

**Total \$91,683.11**

Plaintiffs shall further have and recover additional interest and associated liquidated damages accruing at the rate of 1.5% per month on the unpaid delinquent contributions from February 7, 2007 until the date of Judgment, the whole of the Judgment to bear interest at the contract rate of 1.5% per month until paid;

2. Defendant Hidalgo General Engineering, Inc., a California corporation, is required to permit a Trust Funds auditor to come onto defendant's premises and to submit to an audit of

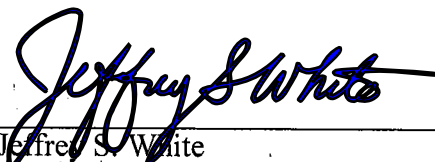
1 their financial records for the period from March 1, 2003 through April 30, 2008 including, but  
2 not limited to, the following records:

3 Individual earnings records; federal tax forms W-3/W-2 and  
4 1069.1099; reporting forms for all Trust Funds, State DE-3/DE-6  
5 Tax Reports; Workers' Compensation insurance; employee time  
6 cards; payroll registers/journals; quarterly payroll tax returns  
7 (Form 941); check register and supporting cash vouchers; forms  
8 1120, 1040 or partnership tax returns; general ledger; source  
9 records, including time cards and time card summaries for all  
10 employees; certified payroll reports; personnel records indicating  
11 job classifications and hire/termination dates; cash disbursement  
12 journal; vendor invoices; copies of subcontract agreements; cash  
13 receipts journal; job cost records; records of related entities; and  
14 any other books and records that may be necessary to complete  
15 the auditor's determination or provide additional explanation of  
16 defendants' financial records;

17 3. The Court further reserves jurisdiction of the parties and the subject matter to enforce  
18 its mandatory injunction and to entertain a motion for a further money judgment, should the  
19 audit disclose additional amounts that may be owed by defendants to the Trust Funds.

20 **IT IS SO ORDERED**

21 DATED: May 22, 2009, 2008

22  
23  
24  
25  
26  
27  
28  
  
Hon. Jeffrey S. White  
UNITED STATES DISTRICT JUDGE

10484653.1